

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|----------------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:05CR128 |
| |) | |
| vs. |) | ORDER |
| |) | |
| MACHELLE D. MAGERS, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the joint oral motion to continue trial by the government and defendant Machelles D. Magers (Magers) made to the court during a release hearing on June 1, 2005. Magers consented to the motion and understood the additional time needed to accommodate the motion would be excluded under the Speedy Trial Act.

IT IS ORDERED:

1. The oral motion to continue trial is granted.
2. Trial of this matter is re-scheduled for **July 26, 2005**, before Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 1, 2005 and July 26, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 2nd day of June, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge